

# Legislative Journal

TUESDAY, NOVEMBER 1, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 77

## SENATE

TUESDAY, November 1, 1977.

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

The PRESIDENT (Lieutenant Governor Ernest P. Kline) in the Chair.

## PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK GRUELL, JR.:

O Lord, our God, it seems that here we go again. As we have so often pleaded, we ask Thy blessings on our Commonwealth and on these Senators charged with a grave responsibility. Help them, O Lord. Help them to put away selfish interests, personal ambitions and petty partisanship and give themselves to the just and honorable task that is once again before them.

Help them to forget the next election in their concern for the welfare and the good of all their people. Strengthen those who need help in making up their minds, we pray, and give to us all, Senators and people alike, a sense of Thy presence as we alike live and serve for the good of our fellowmen.

We would ask this all in the Name of God our Father and of Jesus Christ Your Son, our Lord. Amen.

## JOURNAL APPROVED

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

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

## SENATOR MESSINGER TO VOTE FOR SENATOR ROMANELLI AND SENATOR COPPERSMITH

Senator MESSINGER. Mr. President, at this time I request a legislative leave of absence for Senator Romanelli and for Senator Coppersmith.

The PRESIDENT. Without objection, the legislative leaves of absence will be granted.

## HOUSE MESSAGES

### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives being introduced,

informed the Senate that the House has nonconcurrred in amendments made by the Senate to **HB 767**.

## GENERAL COMMUNICATION

### FINANCIAL STATEMENT FOR THE UNIVERSITY OF PITTSBURGH

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

University of Pittsburgh  
Chancellor of the University

October 14, 1977.

Mr. Mark Gruell, Jr.  
Secretary of the Senate  
Senate Post Office  
Main Capitol Building  
Harrisburg, PA 17120

Dear Mr. Gruell:

In accordance with the reporting requirements of the Commonwealth, enclosed for your review is the Financial Statement for the University of Pittsburgh for the fiscal year ended June 30, 1977.

Sincerely,  
WESLEY W. POSVAR  
Chancellor

The PRESIDENT. This will be noted in the Journal.

## REPORT FROM COMMITTEE

Senator MELLOW, from the Committee on Environmental Resources, reported, as committed, **SB 1085**.

## BILLS INTRODUCED AND REFERRED

Senator REIBMAN presented to the Chair **SB 1188**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting certain corporations organized as cooperatives to provide housing and not conducted for profit from the capital stock tax.

Which was committed to the Committee on Finance.

Senators STAPLETON, HESS, MELLOW, EARLY, STOUT, SMITH, SCHAEFER, O'PAKE, HOPPER, MOORE, ANDREWS and ZEMPRELLI presented to the Chair **SB 1189**, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "Pennsylvania Harness Racing Law," changing clauses relating to disposition of pari-mutuel

polls and to appropriation of funds of Pennsylvania Sire Stakes Fund.

Which was committed to the Committee on Agriculture and Rural Affairs.

### POINT OF INFORMATION

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

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

Senator NOLAN. Mr. President, could the Majority Leader tell us what legislative business both the gentleman from Allegheny, Senator Romanelli, and the gentleman from Cambria, Senator Coppersmith, are on today?

Senator MESSINGER. Mr. President, the gentleman from Cambria, Senator Coppersmith, is at a meeting of the Council of State Governments in Denver for the national task force which is reviewing dental licensure laws.

The gentleman from Allegheny, Senator Romanelli, has asked for a legislative leave of absence due to a death in the family.

Senator NOLAN. Mr. President, am I to take from that that the gentleman from Allegheny, Senator Romanelli, would be voted today?

The PRESIDENT. Under those circumstances he would not, Senator. For that reason we will grant Senator Romanelli a leave of absence and Senator Coppersmith will be granted a legislative leave of absence.

I take it Senator Messinger will be voting for Senator Coppersmith.

### RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 1:45 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 1:45 p.m., Eastern Standard Time.

### AFTER RECESS

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

### CALENDAR

#### REPORTS OF COMMITTEES OF CONFERENCE BILLS OVER IN ORDER

**SB 355 and 770** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

#### PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1102 (Pr. No. 1406)** — Senator MESSINGER. Mr. Presi-

dent, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1102.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I believe that the gentleman from Lehigh, Senator Messinger, has an explanation of what we are doing in this bill. The bill is one which neither caucus had considered earlier today.

The PRESIDENT. Senator Messinger, Senator Stauffer requests that you make some explanation about what is provided in this legislation.

Senator MESSINGER. Mr. President, when the bill originally left the Senate, there was a recommended amount of \$62,000 for roof and gutter repairs on several buildings at the Scranton State School for the Deaf. It is a grant from the Federal Public Works Capital Development fund.

In order to receive this money, we must have a contractor on site within ninety days of the award. At the same time the House amended the bill for moneys which were previously spent out of State appropriations and can now be replaced by Federal moneys.

Mr. President, I will go over all the different amounts if that is what is requested.

### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Montgomery, Senator Tilghman, will state it.

Senator TILGHMAN. Mr. President, the portion of the bill relative to the improvements for the Scranton State School for the Deaf in the amount of \$62,000 was in the original bill. There seems to be some necessity to pass that portion of the bill rather speedily. We have just been talking about it on this side of the aisle, and I still do not know whether these are State funds or all Federal funds.

Mr. President, I wonder if it would be possible to divide the question on House concurrence on this bill and agree to the \$62,000 and let the rest of it lay over until we can find out whether these are State funds or not?

The PRESIDENT. We will be at ease for just a minute, Senator.

(The Senate was at ease.)

The PRESIDENT. According to the explanation of the Parliamentarian, based upon the history and precedent of the Senate and also based upon our judgment of the Rules, we could, Senator, concur in part and nonconcur in the other part. However, the practical effect would not send the part we concurred in to the Governor until the remainder was settled in the differences between the two houses. So, if it is an expeditious trip to the Governor for that one specific thing that you seek, it cannot be achieved that way.

Senator TILGHMAN. Thank you, Mr. President. I hope that these are all Federal funds, because if any part of them are State funds, we are digging another hole for a couple of million dollars. It is just the question in my mind. Therefore, let us

hope that they are Federal funds and we are not \$2 million further in the hole.

Senator BELL. Mr. President, we did not caucus on this, but I have the bill in front of me. What was originally a \$62,000 bill now looks like a \$2.5 million bill of Federal money. I think it is pretty sloppy when we spend \$2.5 million without even having a caucus on it.

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President, some of us were rather tardy in arriving on the floor. Could the Chair advise us as to what bill we are voting on? It has been an interesting colloquy between these gentlemen.

The PRESIDENT. We are considering House amendments to Senate Bill No. 1102 on page 1 of today's Calendar. Senator Messinger has moved to concur in the amendments made by the House to Senate Bill No. 1102.

Senator DUFFIELD. Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Messinger.

The PRESIDENT. Will the gentleman from Lehigh, Senator Messinger, permit himself to be interrogated?

Senator MESSINGER. I will, Mr. President.

Senator DUFFIELD. Mr. President, could the gentleman tell me if he had planned to consider this bill in caucus?

Senator MESSINGER. Mr. President, we did. However, after the caucus, Paul Muench, who was looking over the bills, came to me with the information that in order to get this \$62,000 in Federal funds it is necessary that we act on the bill now. If we do not act on it by November 14th or November 15th, it may be too late.

Senator DUFFIELD. Mr. President, not having gone over this in caucus and knowing very little about the bill, conscientiously I cannot vote one way or the other.

MOTION FOR BILL OVER IN ORDER

Senator DUFFIELD. Mr. President, I move that Senate Bill No. 1102 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator TILGHMAN. Mr. President, I would oppose the motion that the bill go over. I hope the gentleman will understand that there is a little confusion about this. Some of my staff were talking here and they think these are Federal funds and I believe, Mr. President, if the bill went over in its order we would lose the matching funds for this roof in Scranton.

Mr. President, I ask that we concur in the House amendments.

MOTION WITHDRAWN

Senator DUFFIELD. Mr. President, in that event, I will withdraw my motion.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House?

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

SENATOR MESSINGER TO VOTE FOR  
SENATOR REIBMAN

Senator MESSINGER. Mr. President, I request a legislative leave of absence for Senator Reibman who is leaving now to attend a meeting of the steering committee of the Education Commission of the States.

The PRESIDENT. Without objection, a legislative leave of absence is granted to Senator Reibman and she will be voted by Senator Messinger.

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

YEAS—47

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

NAYS—1

Kelley,

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

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 334 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 524 (Pr. No. 1416) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 524.

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—48

Andrews,	Gurzenda,	Lewis,	Ross,
Arlene,	Hager,	Manbeck,	Scanlon,
Bell,	Hankins,	McKinney,	Schaefer,
Cianfrani,	Hess,	Mellow,	Smith,
Coppersmith,	Hill,	Messinger,	Snyder,

Corman,	Holl,	Moore,	Stapleton,
Dougherty,	Hopper,	Murray,	Stauffer,
Duffield,	Howard,	Nolan,	Stout,
Dwyer,	Jubelirer,	Noszka,	Sweeney,
Early,	Kelley,	O'Pake,	Tilghman,
Fleming,	Kury,	Orlando,	Wood,
Gekas,	Kusse,	Reibman,	Zemprelli,

## NAYS—0

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

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

## BILL OVER IN ORDER

**SB 630** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

## FINAL PASSAGE CALENDAR

## NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

**HB 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1270, 1272, 1273, 1275, 1276, 1279 and 1283** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

## THIRD CONSIDERATION CALENDAR

## BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 582 and 1032** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

## BILL OVER IN ORDER

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

## BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 539 (Pr. No. 1410)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MESSINGER. Mr. President, I request that Senate Bill No. 539 go over in its order.

Senator HOWARD. Mr. President, I object to Senate Bill No. 539 going over in its order.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Messinger.

The PRESIDENT. Will the gentleman from Lehigh, Senator Messinger, permit himself to be interrogated?

Senator MESSINGER. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman give us the reason for his request to put this bill over in its order?

Senator MESSINGER. Mr. President, it is my understanding that a number of technical amendments are necessary for this bill. That is the reason that our caucus decided that, for today only, we would go over this bill.

And the question recurring,

Shall the bill pass finally?

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

## YEAS—48

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

## NAYS—0

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

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

**HB 571 (Pr. No. 2203)** — 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—48

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

## NAYS—0

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

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed

the same with amendments in which concurrence of the House is requested.

#### BILL OVER IN ORDER

**SB 581** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 672 (Pr. No. 1358)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (§ 7325), page 2, line 1 by inserting after "conviction": of a violation of the provisions of subsection (a)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### SPECIAL ORDER OF BUSINESS

#### HB 767 TAKEN FROM THE TABLE

Without objection, Senator MESSINGER called from the table **HB 767**.

#### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### BILL PLACED ON CALENDAR

**HB 767 (Pr. No. 2174)** — Senator MESSINGER. Mr. President, I move that the Senate do recede from its amendments nonconcurring in by the House to House Bill No. 767, with the understanding that this requires unanimous consent.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I object to the immediate consideration of House Bill No. 767.

The PRESIDENT. House Bill No. 767 will appear on the next day's Calendar.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AMENDED

#### AND OVER IN ORDER TEMPORARILY

**HB 949 (Pr. No. 2192)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 21, by striking out all of said lines and inserting:

Amending the act of July 12, 1972 (P. L. 781, No. 185), entitled, as amended, "An act providing debt

limits for local government units, including municipalities and school districts; providing the methods of incurring, evidencing, securing and collecting debt; defining the powers and duties of the Department of Community Affairs and certain other public officers and agencies with respect thereto; exercising the inherent legislative authority of the General Assembly by providing additional over-all limitations on the incurring of lease rental and other obligations for the acquisition of capital assets to be repaid from the general tax revenues of such local government units; imposing penalties for filing false or untrue statements or refusing to give information with respect to proceedings for the incurring of debt; and conferring jurisdiction on the Commonwealth Court with respect to certain proceedings relating to the incurring of debt" further providing for unfunded debt.

Amend Bill, page 1, lines 24 through 26; page 2, lines 1 through 30; page 3, line 1, by striking out all of said lines and inserting:

Section 1. Sections 509 and 510, act of July 12, 1972 (P. L. 781, No. 185), known as the "Local Government Unit Debt Act," are amended to read:

Section 509. Unfunded Debt.—Unfunded debt shall mean obligations of the same or a prior year [properly contracted] incurred or to be incurred for current expenses (including tax anticipation notes), [due and owing, which] when the taxes and other revenues remaining to be collected in the fiscal year and funds on hand will not be sufficient to pay such obligations without a curtailment of municipal services to an extent endangering the health or safety of the public or proper education of school children, and the local government unit either may not legally levy a sufficient tax for the balance of the fiscal year, or a sufficient tax, if legally leviable, would be seriously regressive and not in the public interest.

Section 510. Procedure to Fund Unfunded Debt.—Whenever the governing body of a local government unit shall be of opinion that it has outstanding unfunded debt, it may, with the approval of the department, in the cases covered by section 511 of this act, fund such unfunded debt by electoral or by nonelectoral debt within the limits prescribed by Article II of this act, or it may, in the cases covered by section 512 of this act, petition the [Commonwealth Court] court of common pleas of the county where the local government unit is located for leave to fund such unfunded debt pursuant to the provisions of this Article V.

Section 2. Section 512 of the act, subsection (a) amended December 21, 1973 (P. L. 434, No. 153), is amended to read:

Section 512. Approval by Court.—(a) In all cases not covered in section 511, including cases covered thereby in which the funding debt would exceed applicable debt limitations, the local government unit shall, except as provided for in subsection (a. 1), by petition to

the court of common pleas of the county where the local government unit is located setting forth the facts, request approval for the issuance of notes to fund the unfunded debt. After hearing, on such notice to the local government unit and its taxpayers as the court may prescribe, the court shall make an order granting authority to fund all or a part of such unfunded debt if the court shall find that such unfunded debt was lawfully incurred, that there has been an unforeseeable decline in revenues, or that taxes levied have not produced the revenues anticipated or that it was not reasonable to foresee such obligation; that paying such debt by curtailing municipal services will be dangerous to the public health, safety or education, and that it is not feasible to levy additional taxes in

the current fiscal year. The funding debt so approved shall be stated to mature in such amounts and over such number of years, not exceeding ten, as the court shall find will accomplish the payment of the debt without endangering the rendering of municipal services or requiring the levying of excessive taxes. The provisions of section 409 of this act shall not be applicable to such notes. If the funding of the unfunded debt has not been approved by a vote of the people, the order of the court shall fix the portion thereof, if any, which shall not be charged against the nonelectoral debt limitations of the local government unit under section 202 of this act, during the time such funding debt is outstanding, so as to leave some available borrowing capacity for other situations. The percentages fixed by section 202 of this act shall be deemed increased to the extent required for such funding debt.

(a. 1) Notwithstanding the provisions of section 511 or of subsection (a) of this section, school districts of the first class may, by petition to the court of common pleas of the county where the local government unit is located setting forth the facts, request approval for the issuance of bonds or notes to fund the unfunded debt. After hearing on such notice to the local government unit and its taxpayers as the court may prescribe, the court shall make an order granting authority to fund all or a part of such unfunded debt if the court shall find that paying such debt by curtailing municipal or educational services will be dangerous to the public health, safety or education, that the funding debt does not exceed applicable debt limitations and that it is not feasible for school districts of the first class to levy additional taxes in the current fiscal year. The funding debt so approved shall be stated to mature in such amounts and over such number of years, not exceeding ten, as the court shall find will accomplish the payment of the debt without endangering the rendering of municipal or educational services or requiring the levying of excessive taxes. The provisions of section 409 shall not be applicable to such bonds or notes. The funding of the unfunded debt shall be charged against the nonelectoral debt limitations of the school district of the first class under section 202.

(b) The funding debt so authorized by the court shall be issued and sold by the governing body as provided by this act, except that no approval of the department shall be required, but the local government unit shall file a certified copy of the proceeding together with a certified copy of the order of the court in the office for the recording of deeds in and for the county in which such local government unit is located prior to the delivery of any bonds or notes evidencing such debt.

(c) The provisions of this section are hereby declared and found as a legislative determination to be substantive and not procedural.

Section 3. This amendatory act shall take effect immediately and shall expire on June 30, 1978, but such expiration shall not effect the validity of any obligation outstanding hereunder.

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

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, I raise the issue of germaneness. Are these amendments germane to the bill?

The PRESIDENT. Senator Hager, it is my personal opinion that they are not. However, it would be my ruling, in accordance with the decision of the Senate, most recently a few weeks ago, in connection with a move that you supported, that I would have to accept them.

Senator HAGER. Mr. President, may I ask for a little clarification? Are you then saying that you are ruling that the amendments to this particular bill are germane?

The PRESIDENT. The Senate has already made its ruling, Senator, and I am not going to quarrel with that. I am perfectly willing to accept it. If you want to make a motion that the Senate declare the amendments non-germane, you are free to do that, Senator.

Senator HAGER. Thank you, Mr. President. It is my opinion, Mr. President, that the issue presented here is far different from the one last week and that germaneness will become an issue, not here in the Senate but, perhaps, upon constitutional challenge later. I do feel, however, that the record should indicate that the question was raised and answered by the Chair in a ruling that the amendments are germane.

The PRESIDENT. That issue, Senator, merely for the information of the Members, can be easily drawn by any one of the Members moving that the Senate not accept the amendments on the basis of their being non-germane.

#### MOTION AMENDMENTS ARE NOT GERMANE AND THEREFORE OUT OF ORDER

Senator FLEMING. Mr. President, in line with that information, I would move that the amendments are not germane and ask for a roll call vote.

The PRESIDENT. We will be at ease for just a minute.  
(The Senate was at ease.)

#### MOTION WITHDRAWN

Senator FLEMING. Mr. President, I withdraw the motion concerning the germaneness of the amendments and am prepared to debate the amendments if that is in order.

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

Senator FLEMING. Mr. President, these amendments, in effect, change the impact of the Local Government Unit Debt Act on a one-time basis for the benefit of the City of Philadelphia School District so they may be permitted to borrow \$50 million. A judge of the Court of Common Pleas of Philadelphia has already ruled that this is not possible under terms of the present statute simply for the reason that there was no emergency. I believe that was the full impact of that particular act. I happened to be a cosponsor of the legislation with then Senator

Paul Mahady. The lady from Northampton, Senator Reibman, was also a cosponsor of that bill. I believe there were some others. In fact, it was a Local Government Commission bill.

Interestingly enough, at that time, one Lennox Moak was interested in it. In fact he advised as to the necessity for such a statute. Lennox Moak, of course, became the finance director for the City of Philadelphia. He apparently saw some wisdom in placing a statute of this kind on the books where there was no anticipated emergency; certainly there would not be the permission given to borrow for borrowings of this kind.

Mr. President, I would first point out that this is long-term borrowing, over a ten-year period. When one resorts—and this is a true axiom in all financial circles—to borrowing on a long-term basis for operating purposes, which is what this borrowing is supposed to handle, it is the road to fiscal irresponsibility and, eventually, chaos. Need we look any further than the City of New York to find this?

Also, as quoted in the local Philadelphia papers, the Superintendent of Schools of Philadelphia, Dr. Marcuse has said budget cuts are possible with the School District. However, he has not explored these and is not pursuing anything except the legislative course of action.

Mr. President, I would submit that it might be wise to explore some other courses of action and one might be that the City of Philadelphia could appropriate at least half the necessary funds and perhaps make budget cuts to take care of the other half. It might be a practical solution to the problem. To just continue down the road of borrowing for operating purposes does not seem to answer any haunting questions, nor does it solve any long-term problems. It only puts the City of Philadelphia and its School District in deeper water and they will be back next year because next year happens to be the year when a labor contract must be negotiated in the City of Philadelphia.

Historically, when labor contracts are negotiated, the farm is given away. The farm has been given away to the extent where the teachers in Philadelphia do not teach the required number of hours, they require substitutes to be hired, extra teaching staff, to take care of the extra hours. In other words, there is not taught the 900 hours in secondary schools and the 990 in elementary schools as is called for in the School Code. Apparently the School District of Philadelphia has made its own laws regarding the length of the teaching day and length of the school year for its students where good teaching and good education is necessary, as it is all over the Commonwealth.

Mr. President, I think what we are confronted with here is just a further resort to a bandaid approach to a situation. Frankly, we, in the General Assembly, are doing no kindness to the City of Philadelphia, nor its school system, nor its children, by today voting to permit another \$50 million to be borrowed long term, over ten years, when we could say, "Let us start to solve the problem now. Let us not postpone it until next year. Let us not wait until the year after that or the year after that to come to grips with a problem when it is going to multiply each year."

Therefore, I would seriously ask my colleagues on each side of the aisle to consider where we are at this point, where we are

going, how far down the road we already are and, perhaps, seek another solution rather than changing a very practical piece of legislation, an act that is in effect all over the Commonwealth. It applies to every other municipality and we should not herein make an exception for the City of Philadelphia School District.

Senator SWEENEY. Mr. President, I share the apprehension voiced by my distinguished colleague from Montgomery, Senator Fleming. I, too, as many of us are, am apprehensive about the situation in Philadelphia, the schools in particular in this instant, and I, too, have read the editorials and some of the other articles pertaining to the dilemma in which the School District now finds itself.

However, my problem, as is the problem of the other Members of this Chamber, is that we are confronted with having to vote and having to decide the issue. Notwithstanding the validity of the observations made in some of the editorials and in other places, the fact is that the future of the children in the schools of Philadelphia for this current year is not the responsibility of those who write about it and those who broadcast about it, the moment of truth is in this Chamber.

While I am, as I had indicated, apprehensive, and I am not satisfied with the resolution of the problem that we now promote, it has to be measured by what viable alternative do we have to the proposition before us. We are confronted with the stark realization that a school system, be it efficient or be it inefficient, be it administered well or poorly, is confronted with the decision of probably having to close the doors of the school facilities. I, for one, do not want to be part of that kind of decision.

Therefore, Mr. President, I will reluctantly vote for these amendments and urge my colleagues, in the absence of an alternative to the contrary, that they, too, vote in the affirmative.

Senator BELL. Mr. President, I would like to say "Amen" to the speech of the gentleman from Delaware, Senator Sweeney, because I, likewise, do not like the situation in Philadelphia. I am not impressed with the fact that the school board is doing a good job. They have had strike after strike this fall, confusion after confusion, crisis after crisis. But the big question is: What will happen to the schools if we do not pass the bill?

My friend, the gentleman from Montgomery, Senator Fleming, made reference to a statute. Statutes are made by men and statutes can be changed by men. Statutes should be changed by men when they come face to face with the stark reality of whether Philadelphia's school kids are going to be going to school next week or not. I think the question before us is not what was the Act of 1972 when the vote was on the other side of the fence, but the question before us right now is, as was stated by the gentleman from Delaware, Senator Sweeney, whether the children are going to go to school or not.

I remember the gentleman from Montgomery, Senator Fleming, saying just a few minutes ago that if we vote to change this statute, we are on the road to fiscal irresponsibility and chaos. They were his words. I have news for the gentleman. In the schools in Philadelphia right now there is fiscal irresponsibility and chaos. We are there; we are not on the road to that place. There is crisis after crisis.

The setup in the Philadelphia School District has to be

changed. We have committees that can change it. However, those schools are not going to stay open while we go through deliberative legislative processes.

In theory, I should vote one way, "no." However, as a practical answer, I am going to vote, "yes." I think the vote here today is: Will the schools be closed? The vote here today is a vote whether or not we will help close the schools.

Senator GEKAS. Mr. President, I am not sure at this moment how I am going to vote on this issue and may not know until my name is pronounced during the roll call, but I do want to share for the record some of the things that are going through my mind.

One of them is this: First of all, we are not, in reality, asking for any tax moneys to be appropriated from the State revenues to help out in this situation. However, is it not so that in allowing the city schools to solve their own problem with this borrowing power, which is the central issue in this particular case, we may be preventing at least \$50 million worth of tax revenues having to be appropriated by this General Assembly at some time in the future?

If, in fact, we can gamble today and vote "yes" on this particular issue, we may save that School District from a future signal of distress and save this General Assembly further woes in that regard. I may have to look back in the Journal some day and rue my own words today that, perhaps, giving this situation one more chance was not really valid. However, I, for one—and I will wait until that roll call—am thinking about voting "yes" to help out now, hoping to prevent woe in the future.

The PRESIDENT. Senator Gekas, I know this will not help your dilemma, but the Chair, as a matter of advice, wishes to caution you that when your name is called, a vote of "maybe" will not be acceptable.

Senator DUFFIELD. Mr. President, I would like to make two short comments. If the Philadelphia schools are as bad as they say they are, it might be better if they closed and the kids would learn more in the streets.

Secondly, we are in a poor position to talk about the fiscal irresponsibility of the Philadelphia School Board when we are one-third of the way into a new year in the General Assembly and we cannot even come up with \$300 million to pay for colleges and universities. I think the kettle should not call the pot black; I think we are doing a much worse job than the Philadelphia School Board. It is about time that we settled down to our fiscal responsibility.

I agree with the previous speakers. If this bill will keep the schools open—although it may be challenged in the court and may not be the answer—our problem is to provide the access by which such an eventuality may come about.

My Philadelphia brethren have advised me that they need this bill. They are on the scene and they know what the score is. Being from Fayette County, we could care less back there whether they stay open, but still we do try to be responsible here and I think there are a lot of things to be said about the way any school district is run. However, I do not think Philadelphia should always be the whipping boy, especially from a governing body that is, itself, financially irresponsible and unable

to come up with a solution to a problem much larger than that of the Philadelphia School Board.

Senator McKINNEY. Mr. President, I am very happy to see so many of my colleagues speak against us but are going to vote for us. I would like to conclude by quoting a cliché from my grandmother. She used to say, "The devil brought it but the Lord sent it."

Senator FLEMING. Mr. President, I do not know that I want to compete in that league.

The PRESIDENT. You do not know which of the characters you are, Senator.

Senator FLEMING. Mr. President, to some extent I feel like the prophet, Jeremiah, crying in the wilderness because—I guess that is appropriate—I am sure I am going to lose. However, I cannot help reminding my colleagues that the city can find alternatives if it really got down to brass tacks and engaged in it, but they will never do it. The Mayor and City Council will continue to pauperize—and I think that is a good word—the School District and seek revenues from the Federal government and from Harrisburg as long as this is possible.

This has ever been thus since I have been here, and that goes back a few years. We have been facing stark realities as my colleague, the gentleman from Delaware, Senator Bell, told you, ever since many of us have been here.

Just one further thought and that is that a very short time ago the City of Philadelphia levied an increase in the wage tax of one per cent, very, very little of which went to the School District when much more could have gone to the School District to finance it properly. However, this was not done.

I would also remind my colleagues that my constituents and those of some of the rest of the gentlemen here, including some New Jersey counties, supply up to about thirty per cent of these wage tax revenues. So, we have a little vested interest in what happens to those revenues also. As a matter of fact, we have been grossly unsuccessful in doing anything about any offset such as changing the Sterling Act or doing anything of this kind and year after year we face these crises. I think year after year, if we go through little Sessions like this, we are going to continue to face these crises.

I guess all I am reminding the gentlemen of—and I am not trying to be anybody's conscience—is that they are going to face it next year and they are going to face it the year after that. Just get prepared; just keep voting dollars, because the City of Philadelphia is going to do absolutely nothing until somebody says the gravy train has stopped. I think it is high time we stopped it.

Senator MELLOW. Mr. President, I would just like to point out to the gentleman from Montgomery, Senator Fleming, that foolish consistency is the hobgoblin of small minds.

Senator MESSINGER. Mr. President, so that the press is not misinformed about this, this is not money that we are appropriating to the City of Philadelphia, this is legislation allowing them to borrow money.

Senator HAGER. Mr. President, as I think the Majority Leader, and some others on the other side of the aisle know, I have been waiting patiently for some amendments to offer. I believe they would be more properly offered to these amend-



ments. However, they are not here as yet. The Majority Leader has kindly and graciously consented to put this bill over temporarily after this vote on these amendments to give us an opportunity to offer our amendments.

Mr. President, I want to give fair warning that the vote on these amendments should not be looked forward to as the vote on final passage, because the votes of some of us over here are going to depend upon the vote on the amendments which I am going to offer and which I had hoped to offer to these amendments. If that is confusing, let me explain that the amendments are the same Philadelphia control amendments which were in the Reibman-Dougherty bill and the Dougherty bill before that.

Mr. President, I wish to caution the Members not to construe a vote on these amendments to be tantamount to passage of the final bill, because we are waiting to offer those amendments to see what shape the bill is finally in before it is on final passage.

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

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

## YEAS—34

Arlene,	Hager,	Messinger,	Schaefer,
Bell,	Hankins,	Murray,	Smith,
Cianfrani,	Hill,	Nolan,	Stapleton,
Coppersmith,	Howard,	Noszka,	Stauffer,
Dougherty,	Kelley,	O'Pake,	Stout,
Duffield,	Kury,	Orlando,	Sweeney,
Early,	Lewis,	Ross,	Wood,
Gekas,	McKinney,	Scanlon,	Zemprelli,
Gurzenda,	Mellow,		

## NAYS—14

Andrews,	Hess,	Kusse,	Reibman,
Corman,	Holl,	Manbeck,	Snyder,
Dwyer,	Hopper,	Moore,	Tilghman,
Fleming,	Jubelirer,		

So the question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Senator MESSINGER. Mr. President, at this time I request that House Bill No. 949 go over in its order temporarily.

## BILL OVER IN ORDER

**SB 1040** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

## BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1042 (Pr. No. 1359)** — 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 MESSINGER. Mr. President, I am disturbed by titles

like Senate Bill No. 1042 where it seems as though we are further providing for the corruption of minors.

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—47

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

## NAYS—1

Bell,

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

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

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1048 (Pr. No. 1232)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 17, by removing the period after "bonds" and inserting: in certain circumstances.

Amend Sec. 1 (Sec. 6.1) page 2, line 15, by inserting after "bonds": for bond issues closed by the Authority during calendar year 1975

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 STAUFFER.

## BILLS OVER IN ORDER

**SB 1101** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**SB 1103** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1104 (Pr. No. 1306)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 7102), page 4, line 12, by inserting after "and": provide emergency

Amend Sec. 1 (Sec. 7102), page 4, line 12, by inserting after "repair": of

Amend Sec. 1 (Sec. 7102), page 4, line 19, by striking out "defense weapons," and inserting: weapons defense,

Amend Sec. 1 (Sec. 7102), page 5, line 2, by inserting after "causes": substantial

Amend Sec. 1 (Sec. 7102), page 5, line 7, by inserting after "in": substantial

Amend Sec. 1 (Sec. 7103), page 6, line 8, by striking out "may"

Amend Sec. 1 (Sec. 7301), page 14, line 17, by striking out "30" and inserting: 90

Amend Sec. 1 (Sec. 7303), page 18, lines 27 through 30; page 19, lines 1 through 5, by striking out all of said lines

Amend Sec. 1 (Sec. 7303), page 19, line 6, by striking out "(c)" and inserting: (b)

Amend Sec. 1 (Sec. 7303), page 19, line 12, by striking out "(d)" and inserting: (c)

Amend Sec. 1 (Sec. 7312), page 22, line 19, by striking out "Auditor" and inserting: Attorney

Amend Sec. 1 (Sec. 7312), page 22, line 30, by striking out "They shall elect" and inserting: The Governor shall appoint

Amend Sec. 1 (Sec. 7312), page 23, line 15, by inserting after "supplied.": Required communications capability shall be provided and special consideration shall be given to blast and fallout protection to permit extended operations.

Amend Sec. 1 (Sec. 7313), page 23, line 24, by striking out "Civil Defense" and inserting: Defense Civil

Amend Sec. 1 (Sec. 7313), page 26, by inserting between lines 8 and 9:

(14) To administer grant programs to political subdivisions for disaster preparedness.

Amend Sec. 1 (Sec. 7313), page 26, line 9, by striking out "(14)" and inserting: (15)

Amend Sec. 1 (Sec. 7313), page 26, line 14, by striking out "(15)" and inserting: (16)

Amend Sec. 1 (Sec. 7313), page 26, line 23, by striking out "(16)" and inserting: (17)

Amend Sec. 1 (Sec. 7501), page 28, by inserting between lines 29 and 30:

(e) Employment of personnel.—In order to meet prescribed requirements for eligibility to receive Federal contributions authorized under the provisions of the Federal Civil Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any amendment or reenactment thereof, political subdivisions are authorized to avail themselves of services offered by the State Civil Service Commission under the provisions of the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this part.

Amend Sec. 1 (Sec. 7502), page 29, line 9, by inserting a period after "county"

Amend Sec. 1 (Sec. 7502), page 29, lines 9 through 11, by striking out "and in each other" in line 9, all of line 10 and "of 25,000 or more." in line 11

Amend Sec. 1 (Sec. 7502), page 29, line 19, by inserting after "subdivisions.": Any other law notwithstanding, a local government official may be recommended for appointment.

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 MELLOW.

#### BILL OVER IN ORDER

**SB 1116** — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 1117 (Pr. No. 1361)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1311), page 2, line 8, by inserting after "Governor.": In no event shall the sentence of death be carried out sooner than 14 days after the Governor has received the complete record.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**SB 1121, 1123, 1141 and 1152** — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

#### COMMUNICATIONS FROM THE GOVERNOR

##### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

##### MEMBER OF THE BOARD OF TRUSTEES OF EASTERN STATE SCHOOL AND HOSPITAL

November 1, 1977.

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 July 28, 1977 for the appointment of Ronald A. Brandt, 718 Susquehanna Road, Philadelphia 19111, Philadelphia County, Sixth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1979, and until his successor is appointed and qualified, vice Jack Saltz, P.O. Philadelphia, resigned.

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

MILTON J. SHAPP.

##### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

COMMONWEALTH TRUSTEE OF  
LINCOLN UNIVERSITY—OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

November 1, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Carl O. Dickerson, 1800 East Mohican Street, Philadelphia 19138, Philadelphia County, Thirty-sixth Senatorial District, for reappointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

**MEETING OF THE COMMITTEE ON RULES AND  
EXECUTIVE NOMINATIONS**

Senator MESSINGER. Mr. President, may we, at this time, request a meeting of the Committee on Rules and Executive Nominations for a few minutes. The meeting will take place in the meeting room of the Committee on Rules and Executive Nominations at the rear of the Chamber.

The PRESIDENT. There will be a very brief meeting of the Committee on Rules and Executive Nominations in the meeting room of the Committee on Rules and Executive Nominations to the rear of the Chamber. The Members are asked to go there quickly.

The Senate will be at ease while that meeting is held, which means we will maintain the decorum of the floor and not have any confusion.

(The Senate was at ease.)

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

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

MEMBER OF THE BOARD OF TRUSTEES OF  
EASTERN STATE SCHOOL AND HOSPITAL

November 1, 1977.

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 July 28, 1977 for the appointment of Ronald A. Brandt, 718 Susquehanna Road, Philadelphia 19111, Philadelphia County, Sixth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1979, and until his successor is appointed and qualified, vice Jack Saltz, P.O. Philadelphia, resigned.

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

MILTON J. SHAPP.

**NOMINATION RETURNED TO THE GOVERNOR**

Senator ROSS. Mr. President, I move that the nomination

just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

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

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

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

MEMBER OF THE BOARD OF TRUSTEES OF  
CHEYNEY STATE COLLEGE

August 29, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jerome Burt, P.O. Box 307, Cheyney 19319, Delaware County, Ninth Senatorial District, for appointment as a student member of the Board of Trustees of Cheyney State College, to serve for a term of three years, or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice Charles Lanier, Philadelphia, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF  
CHEYNEY STATE COLLEGE

October 26, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles Leon Lanier, 2125 North Stanley Street, Philadelphia 19121, Philadelphia County, Second Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January 1979, and until his successor is appointed and qualified, vice Dr. Bernard Watson, Philadelphia, resigned.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF  
CHIROPRACTIC EXAMINERS

October 11, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. John C. Pammer, Jr., 1104 Sixth Street, North Catasauqua 18032, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE  
PENNSYLVANIA HOUSING FINANCE AGENCY

October 18, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Herman Silverman, R. D. #4, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1983, and until his successor is appointed and qualified, vice John M. O'Brien, Elysburg, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE  
STATE BOARD OF LANDSCAPE ARCHITECTS

October 11, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Mary Barnes, 1750 Peachtree Lane, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until July 12, 1980, and until her successor is appointed and qualified, vice Ms. Victoria Hunt, Philadelphia, whose term expired.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF  
WESTERN CENTER

October 26, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Alice S. Goldberg, 114 Green Ridge Drive, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January 1979, and until her successor is appointed and qualified, vice George Wenick, Belle Vernon, resigned.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

October 26, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Kathryn A. Rainbow, 402 South Aiken Avenue, Pittsburgh 15232, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified, vice Mrs. Donna D. McCall, Pittsburgh, terminated.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

October 26, 1977.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Ruano, Esquire, 102 Wiltshire Drive, Upper St. Clair Township, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, to serve until the first Monday of January, 1980, vice William L. Crawshaw, Pittsburgh, resigned.

MILTON J. SHAPP.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS,

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.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator ROSS asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATION LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the name of Dr. John C. Pammer, Jr., as a member of the State Board of Chiropractic Examiners, be laid on the table.

The PRESIDENT. This nomination will be laid on the table.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the balance of the nominations reported from committee today and previously read by the Clerk.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

HB 949 CALLED UP

HB 949 (Pr. No. 2192) — Without objection, the bill, which previously went over in its order temporarily, as amended, was

called up, from page 7 of the Third Consideration Calendar by Senator MESSINGER.

BILL OVER IN ORDER TEMPORARILY

**HB 949 (Pr. No. 2192)**— And the question recurring,

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

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

Amend Title, page 1, lines 1 through 21, by striking out all of said lines and inserting:

Amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," transferring the finance, budget, taxation, and policy decisions and functions related thereto of certain first class school districts to other officials; requiring a minimum level of revenue for school districts of the first class; providing for certain pre-audit functions; proposing a suspension of the collection of certain payments owed the Commonwealth and establishing a repayment schedule, adding temporary provisions relating to unfunded debt in school districts of the first class.

Amend Bill, pages 1 through 3; lines 24 through 26, page 1; and lines 1 through 30, page 2; and line 1, page 3, by striking out all of said lines on said pages and inserting:

Section 1. Section 302, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," is amended by adding a subsection to read:

Section 302. Number and Appointment in Districts First Class and First Class A; Reorganized District of First Class A Containing Former Districts of Second, Third or Fourth Class; Terms of Office.— \* \* \*

(c) The powers and duties of the board of school directors of a first class school district coterminous with a city of the first class relating to taxation, finance, budgeting and policy decisions related thereto are hereby transferred to the mayor and city council of such first class city to be implemented in the same manner as other offices, departments, boards and commissions of city government as provided for by law. All references to the powers and duties of school directors with regard to fiscal affairs insofar as such references are applicable to first class school districts coterminous with a first class city are deemed to mean and shall be construed to mean the city council and the mayor of such first class city. The present and future board of school directors of a first class school district coterminous with a city of the first class shall serve in an advisory capacity with relation to fiscal affairs and shall continue to be appointed as provided by law. If any part of this subsection is held invalid the remainder of it and the application of it to other circumstances shall not be affected thereby.

Section 2. Section 602 of the act is amended to read:

Section 602. Tax Levies.—[All] Except in a first class school district coterminous with a first class city, all taxes required by any school district, in addition to

the State appropriation, shall be levied by the board of school directors therein.

Section 3. The act is amended by adding a section to read:

Section 602.1 Exceptions.—In every school district of the first class coterminous with a city of the first class, the information relating to budgets, the power and authority to levy taxes heretofore and hereafter granted and the power to control and direct all school financing shall be and is hereby vested in the city council of such first class city subject to the review powers of a mayor of such first class city.

Section 4. Section 636 of the act is amended by adding a subsection to read:

Section 636. Emergency Loans for Current Expenses and Debt Service.— \* \* \*

(a.1) Notwithstanding any contrary provisions of this act or the act of July 12, 1972 (P. L. 781, No. 185), known as the "Local Government Unit Debt Act," school districts of the first class may, by petition to the court of common pleas of the county where the school district is located setting forth the facts, request approval for the issuance of bonds or notes to fund the unfunded debt previously incurred or which is required to be incurred. After hearing on such notice to the local government unit and its taxpayers as the court may prescribe, the court shall make an order granting authority to fund all or a part of such unfunded debt if the court shall find that paying such debt by curtailing municipal or educational services will be dangerous to the public health, safety or education, that the funding debt does not exceed applicable debt limitations and that it is not feasible for school districts of the first class to levy additional taxes in the current fiscal year. The funding debt so approved shall be stated to mature in such amounts and over such number of years, not exceeding ten, as the court shall find will accomplish the payment of the debt without endangering the rendering of municipal or educational services or requiring the levying of excessive taxes. The provisions of section 409 of the "Local Government Unit Debt Act," shall not be applicable to such bonds or notes. The funding of the unfunded debt shall be charged against the nonelectoral debt limitations of the school district of the first class under section 202 of the "Local Government Unit Debt Act."

\* \* \*

Section 5. The act is amended by adding a section to read:

Section 652.2. Mandated Level of Revenue.—(a) Notwithstanding the provisions of the act of August 9, 1963 (P. L. 643, No. 341), known as the "First Class City Public Education Home Rule Act," there shall be made available to any school district of the first class coterminous with a city of the first class for the fiscal year 1977-1978 and each fiscal year thereafter, a minimum level of revenue from all local sources

equivalent to the sum of money which would be raised if a tax of thirty-five (35) mills were imposed on the total assessment of all real estate assessed and certified for taxation in the territory of such school district. This minimum level of revenue shall be used exclusively by the school district for the costs of education.

(b) The minimum level of revenue required pursuant to subsection (a) shall be derived from tax revenues raised by the school district and the city council and a reallocation to the school district of the revenues raised by city council for municipal purposes. It is the intent of the General Assembly that this section not authorize or require an increase in the total combined millage levied for municipal and school purposes but requires a simple reallocation of revenues raised for municipal purposes. If any part of this section is held invalid the remainder of it and the application of it to other circumstances shall not be affected thereby.

Section 6. Clause (1) of section 2401 of the act, amended June 18, 1959 (P. L. 472, No. 100), is amended to read:

Section 2401. By Whom Audited.—The finances of every school district and of every joint school board, in every department thereof, together with the accounts of all school treasurers, school depositories, teachers' retirement funds, teachers' institute funds, directors' association funds, sinking funds, and other funds belonging to or controlled by the district, shall be properly audited as follows:

(1) In all school districts of the first class, by the school controller and in all first class school districts coterminous with cities of the first class, by the city controller.

\* \* \*

Section 7. Section 2421 of the act is amended to read:

Section 2421. Duties of Controller.—The [school] city controller, herein provided in each school district of the first class, and the city controller in any first class school district coterminous with a city of the first class shall properly audit the finances of the school district, including the accounts of the receiver of school taxes, school treasurer, or other proper authority collecting school taxes, school depositories, and all other funds under the control of the board of public education. The city controller shall annually pre-audit the finances of such first class school district and shall present to the city council and the mayor a balanced budget for each fiscal year.

The school controller or city controller shall, at the end of each school year, certify to the board of public education that he has audited the several accounts above stated, and shall report to it the result of such audit.

Section 8. Section 2508.2 of the act, amended January 14, 1970 (1969 P. L. 468, No. 192), is amended to read:

Section 2508.2 Payments on Account of Area Vocational-Technical Schools and Technical Institutes.—Every area vocational-technical board composed of school districts of the second, third and fourth class and every intermediate unit authorized to operate an area vocational-technical school and desiring to utilize

advance payment of funds to operate area vocational-technical schools shall be paid, on or before the first day of August and on or before the first day of January of each school year that area vocational-technical schools are operated, in equal installments, the amount of estimated cost for the operation thereof, including approved vocational extension classes. Deductions to equal the above installments paid to the area vocational-technical board or the intermediate unit shall be made from reimbursements due the districts of residence of pupils attending vocational-technical schools. These deductions shall be made on the basis of the approved per pupil cost of the program, including current expenses and capital outlay multiplied by the number of pupils in average daily membership.

On or before the first day of August of each year, the Commonwealth shall pay to every area vocational-technical board and every intermediate unit authorized to establish and operate a technical institute or institutes a sum obtained by adding one-third of the current expenses and one-half of the capital expenses as shown in the budget filed by the board or the intermediate unit. On or before the first day of January and approved by the Department of [Public Instruction] Education, the Commonwealth shall pay an

equal sum or a sum shown to be necessary by an adjusted budget based upon expenditures made during the first half of the school term. At the end of each school year, all unexpended funds shall be credited to Commonwealth payments due for the succeeding year on account of the operation of such institute or institutes or upon the direction of the [Superintendent of Public Instruction] Secretary of Education shall be returned to the Commonwealth. All funds returned shall be credited to the accounts from which they were paid. For each student enrolled in a technical institute, the district of residence shall pay to the Commonwealth the district's proportionate share of the expenses. Such district share of expenses shall be deducted from reimbursement due to the district.

The advance payment for fiscal year 1976-1977 to the intermediate unit composed of a school district of the first class for vocational education shall not be subject to repayment pursuant to the deduction provisions of this section. For the fiscal years 1977-1978 and 1978-1979, no school district of the first class shall be required to repay any advance payment made during the fiscal year 1977-1978. Thereafter the department shall establish a repayment schedule to cover a period of ten (10) years, repayment to be made in equal monthly installments. The department shall for the fiscal year 1976-1977 and for the ten (10) year repayment period impose an interest charge of six per centum (6%) per annum on the unpaid balance of the advance payment, such unpaid balance to be redetermined every six (6) months until fully repaid.

Section 9. (a) There is hereby created a special investigatory commission of nine members to be composed of the Secretary of Education and the Auditor General or their designees, two members of the Senate to be appointed by the President pro tempore of the Senate, two members of the House of Representatives to be appointed by the Speaker of the House of Representatives and three distinguished citizens of the Commonwealth who shall be experienced in public finances management and urban affairs to be appointed by the Governor.

(b) As soon as possible, the commission shall meet and elect a chairman and vice chairman.

(c) The commission shall, during the two-year debt moratorium, thoroughly investigate the operations and programs of every school district of the first class, and make recommendations to the school district and the General Assembly relating to tax revenues and sources, management policies, various economies to be implemented and such other factors as the commission deems relevant. The commission shall submit its report and recommendations within two years of the effective date of this act.

Section 10. The Secretary of Education shall not implement the amendatory provisions of section 2508.2 of the act of March 10, 1949 (P. L. 30, No. 14), until such time as the secretary determines that the provisions of section 652.2 of the act of March 10, 1949 (P. L. 30, No. 14) have been implemented.

Section 11. All acts or parts of acts which are inconsistent with the provisions of this act are repealed to the extent of the inconsistency.

Section 12. (a) This act shall take effect immediately.

(b) The provisions of subsection (a.1) of section 636 as added by section 4 of this act shall expire on June 30, 1978, but such expiration shall not effect the validity of any obligation outstanding thereunder.

On the question,

Will the Senate agree to the amendments?

Senator HAGER. Mr. President, for the benefit of the Members, these amendments really do two things. They incorporate all of the amendments which were offered by the gentleman from Philadelphia, Senator Smith. Therefore, the same provisions are in these amendments as are in the Smith amendments which have just been adopted.

Secondly, they incorporate all of the reforms offered by the Reibman-Dougherty bill which, in brief, are as follows: It consolidates under the Mayor and City Council of Philadelphia both the budgeting and the revenue raising responsibilities. At present there is a problem in Philadelphia in that the school board is responsible for budgeting but has no responsibility, nor any authority, over revenue raising; while City Council and the Mayor have revenue raising responsibility but have no control over the budgeting responsibility. This leads to a certain scapegoat between the two bodies and it seems to us that education in Philadelphia is no more nor no less serving a very important part of the services offered by that municipality to its citizens and that these functions should be consolidated so that this Legislature, the people of Philadelphia and, indeed, the people of Pennsylvania can look to one place, the City Council and the Mayor to solve the financial problems as well as the educational problems of the City of Philadelphia.

Thirdly, it mandates, as I think this Legislature has the right to do given a fiscal history of Philadelphia, that the city devote thirty-five mills of its real estate taxation rather than its present twenty-nine and one-quarter mills to financing of the school system of Philadelphia.

Fourthly, it enacts an oversight committee, including part of the membership of this General Assembly, to make sure that in the future the problems of Philadelphia do not become the fiscal problems of the entire State.

Lastly, it mandates that the controller of the City of Philadelphia certify to a balanced budget for all ensuing years so that the city must look to its own sources to take care of its own scholastic and educational requirements.

Mr. President, this offers us an opportunity, once and for all, to put some controls upon the runaway school system, the runaway school problems, in Philadelphia. We have been asked to give them a vote to allow them to borrow \$50 million. It seems to me that—and to many of us over here—it is no more than fair to require of them that they begin to get their house in order in order to expect our vote.

That is the substance of the amendments, Mr. President, and I would ask the affirmative support of all the Members.

Senator LEWIS. Mr. President, I rise to oppose the gentleman's amendments. I agree with him that there are problems in the School District in Philadelphia and I think this Senate should certainly address those problems. I also agree that it is incumbent upon the School District and the City of Philadelphia to begin to find the solutions for those problems on their own. I think there are many here who believe the School District has too often come to this Legislature looking to be bailed out.

However, that is not the issue before us today, Mr. President. I believe the attempt to capitalize upon the imminent closing of the School District of Philadelphia is a misguided attempt by the Minority Leader to accomplish objectives which need to be discussed but cannot, I think, adequately be discussed, debated and amended, where necessary, in this short time period. In fact, the reason that the issue is before us today is because the city did offer to attempt a few months ago to put their own house in order. The gentleman may recall that a few months ago the city was faced with a \$173 million deficit. That issue was brought before the Legislature and we agreed we would contribute to the solution if, in fact, the city would attempt to do the same thing.

Mr. President, this Legislature agreed to provide \$20 million in new funding to the city and a \$30 million rollover in other obligations which must be repaid under a specified timetable.

In return for that agreement from the Legislature, the city agreed to make substantial cuts in its budget, some \$75 million. The city itself contributed some \$25 million in new money to the operation of the School District.

The final ingredient in that package, Mr. President, which we all knew at the time we approved our portion of the deal, was that the city would borrow on a one-term, one-shot basis an additional \$50 million which, in fact, was necessary to keep the schools open this year. They went forward to keep their part of the bargain and because of a technicality that I think was unanticipated by any here or any in Philadelphia, they were unable to accomplish that objective. The city and the School District are now before us in this Legislature asking for our help in enabling them to keep their part of the bargain and that is to make it possible for them to borrow as they had initially set out to do.

To try to do anything more at this time, Mr. President, would seriously jeopardize the opportunity of the school children in Philadelphia to get the education that they need and that they deserve.

I will join the Minority Leader in attempting to move forward with due deliberation in the future to bring about substantive changes that will help the city School District in the long term.

That should not be brought before us today and confuse the single issue with which we must deal.

Senator MESSINGER. Mr. President, it is unfortunate that every time we have a bill like this, we try to reform the whole system in twenty-five or thirty minutes. While I do believe, myself, there is a lot of merit to the Reibman-Dougherty bill and other reform bills that have been introduced in the Senate and are now in the Committees on Education of the House and Senate—and I certainly want to see some reform take place—I think we would be making a terrible mistake to think that we could correct now and maybe do more harm in the long run, rather than wait, have some public hearings in Philadelphia, listen to the various citizen groups that are interested in this problem and come up with a reform that will really work for the City of Philadelphia and the School District of Philadelphia.

Senator HAGER. Mr. President, I think it might very well be the singular hallmark of this Session of the Legislature that everybody agrees we need reform, but somehow we never get around to achieving it.

To those of you on the other side who seem to be insulted every time we attempt to tie some reform measure to a funding measure or something else that some particular segment of society wants, you will have to forgive us. It seems to us that we have no chance at all of getting any of this reform legislation through unless we tie it to something.

For the rest of us, like myself, who apparently are misguided from time to time, how wonderful it is to be possessed of the self-confessed vision of the Senator from Bucks who can show us the way.

Senator BELL. Mr. President, the pious indignation from the other side of the aisle really amazes me. I will make a prediction: The next time we will hear about reform for Philadelphia schools is the next Philadelphia school crisis.

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

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

Senator MESSINGER. Mr. President, I voted "no" for Mrs. Reibman. She wishes to be voted as "aye."

The PRESIDENT. The lady will be so recorded.

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

YEAS—21

Andrews,	Fleming,	Hopper,	Moore,
Bell,	Gekas,	Howard,	Reibman,
Corman,	Hager,	Jubelirer,	Snyder,
Dougherty,	Hess,	Kusse,	Stauffer,
Dwyer,	Holl,	Manbeck,	Tilghman,
Early,			

NAYS—27

Arlene,	Kelley,	Nolan,	Smith,
Cianfrani,	Kury,	Noszka,	Stapleton,
Coppersmith,	Lewis,	O'Pake,	Stout,
Duffield,	McKinney,	Orlando,	Sweeney,
Guزندa,	Mellow,	Ross,	Wood,
Hankins,	Messinger,	Scanlon,	Zemprelli,
Hill,	Murray,	Schaefer,	

So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

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

Senator MESSINGER. Mr. President, I request that House Bill No. 949 go over in its order temporarily.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 594 and SB 679 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS OVER IN ORDER

HB 84, SB 180, HB 191, 274, SB 386, 466, 511, HB 568, 569, SB 644, HB 748, 825, 884, SB 947, 953 and 959 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED

SB 964 (Pr. No. 1394) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HILL offered the following amendments:

Amend Sec. 1 (Sec. 8), page 3, line 4, by inserting after "JUSTICE": or Philadelphia Municipal Court Judge

Amend Sec. 1 (Sec. 10), page 4, line 5, by striking out "not" where it appears the second time

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 HILL.

BILL OVER IN ORDER

SB 968 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 994 (Pr. No. 1135) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1001 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 1021 (Pr. No. 1409) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.



## BILLS OVER IN ORDER

SB 1088, 1093, 1115, HB 1190, 1196 and 1197 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

## SUPPLEMENTAL CALENDAR

## THIRD CONSIDERATION CALENDAR

## BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 949 (Pr. No. 2230) — 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—32

Arlene,	Gurzenda,	Messinger,	Schaefer,
Bell,	Hager,	Murray,	Smith,
Cianfrani,	Hankins,	Nolan,	Stapleton,
Coppersmith,	Hill,	Noszka,	Stauffer,
Dougherty,	Kelley,	O'Pake,	Stout,
Duffield,	Kury,	Orlando,	Sweeney,
Early,	Lewis,	Ross,	Wood,
Gekas,	McKinney,	Scanlon,	Zemprelli,

## NAYS—16

Andrews,	Hess,	Jubelirer,	Moore,
Corman,	Holl,	Kusse,	Reibman,
Dwyer,	Hopper,	Manbeck,	Snyder,
Fleming,	Howard,	Mellow,	Tilghman,

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

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

## UNFINISHED BUSINESS

## SENATE CONCURRENT RESOLUTION

## RECESS ADJOURNMENT

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

In the Senate, November 1, 1977.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 14, 1977 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, November 14, 1977 unless sooner recalled by the Speaker of the House of Representatives.

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

## SENATE RESOLUTION

## SENATE EDUCATION COMMITTEE TO SOLICIT TESTIMONY IN PUBLIC HEARINGS IN PHILADELPHIA CONCERNING PUBLIC SCHOOL CRISIS

Senator REIBMAN offered the following resolution (Serial No. 60), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 1, 1977.

WHEREAS, The General Assembly has a constitutional mandate to assure that the public educational needs of the Commonwealth are met; and

WHEREAS, The Philadelphia School District is experiencing a crisis; and

WHEREAS, The citizens of Philadelphia are petitioning the General Assembly to end that crisis; and

WHEREAS, The General Assembly is concerned about the quality and level of educational services afforded the citizens of Philadelphia; and

WHEREAS, There have been numerous and conflicting proposals in the General Assembly to alter the nature and structure of the public school system in Philadelphia; therefore be it

RESOLVED, That the Senate direct the Senate Education Committee to solicit testimony in public hearings within the City of Philadelphia from any concerned party or individual to determine if legislative action is appropriate to the resolution of the crisis in the Philadelphia public school system; be it further

RESOLVED, That the Chairman of the Senate Education Committee is directed to invite the participation of members of the House Education Committee in any or all of these public hearings; and be it further

RESOLVED, That the Senate Committee shall report its findings together with any recommendations for remedial legislation to the Senate as soon as possible.

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Community of Levittown by Senators Lewis and Howard.

Congratulations of the Senate were extended to George F. Mahaney by Senator Dwyer.

Congratulations of the Senate were extended to Mr. and Mrs. Maurice Mummert, Mr. and Mrs. Raymond D. Reifsnider, Mr. and Mrs. Pius (Tom) Moore and to Mr. and Mrs. Arthur Nau by Senator Hess.

Congratulations of the Senate were extended to Teresa Cendrowska by Senator Smith.

Congratulations of the Senate were extended to Mr. and Mrs. John Forgach, Mr. and Mrs. Walter Barko and to Mr. and Mrs. Sam Veneziano by Senator Orlando.

Congratulations of the Senate were extended to Betty H. Pitzer and to John Z. Shearer by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Cecil Ingerick, Mr. and Mrs. Fred J. Winter and to Mr. and Mrs. Guy McKibben by Senator Hager.

Congratulations of the Senate were extended to Mr. and Mrs. Antonio Colabove, Mr. and Mrs. Donald E. Lowe, Mr. and Mrs. Marshall Gilliland, Mr. and Mrs. Dale P. Lewis, Mr. and Mrs. Jesse W. Imler, Mr. and Mrs. Jesse Smeal and to Mr. and Mrs. H. Lee Stern by Senator Jubelirer.

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

Ralph E. Brewer by Senator Andrews.

Congratulations of the Senate were extended to Mr. and Mrs. Frank P. Robinson and to Mr. and Mrs. Frank Mocniak, Sr. by Senator Stout.

### REPORT FROM COMMITTEE

Senator ZEMPRELLI, by unanimous consent, from the Committee on Business and Commerce, reported, as committed, **SB 1059**.

### RESOLUTION REPORTED FROM COMMITTEE

Senator ZEMPRELLI, by unanimous consent, from the Committee on Business and Commerce, reported without amendment, Senate Concurrent Resolution, **Serial No. 214**, entitled:

Memorializing Congress and the President to maintain specialty steel import limitations.

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

### BILLS ON FIRST CONSIDERATION

Senator ZEMPRELLI. 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 1059 and 1085.**

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

### PETITIONS AND REMONSTRANCES

Senator ORLANDO. Mr. President, I have remarks which I would like inserted into the record.

The PRESIDENT. The remarks will be noted in the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Erie, Senator ORLANDO:)

The budget crisis in Pennsylvania has dragged on for six months. As far as I am concerned, that is six months too long. It is too long for the State employees who felt their jobs in jeopardy. It is too long for the colleges and universities who have had to borrow to pay their operating expenses. It is too long for the managers and planners of State government who face the future budgetary needs of their departments with uncertainty.

This crisis has not been manufactured. Nobody dreamed it up. In actuality, what you have are two sides honestly divided about the need for new taxes to balance the budget.

My position on this has been clear and consistent. I oppose any increase in the personal income tax at this time. I do not feel such an increase is necessary. I feel that a tax increase would hurt the economy of Pennsylvania. I have enunciated this position; I have voted this position. I have done everything I could to see that this position prevailed, but this position has not prevailed.

And so today I have acceded to the wishes of the leadership of my party and called up for a vote of the Committee on Finance legislation to increase taxes. I will vote for these bills in committee, but I will not support them on the floor. And further, it is my opinion that there are not enough votes in the Senate to pass them.

I will not be an obstructionist in this fight. If these bills offer the possibility of compromise as the leadership seems to feel they do, I will not stand in their way. I hope that by doing this I can open a new dialogue between two sides and in the spirit of working together, we can find a solution for the crisis that has gone on too long.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, NOVEMBER 15, 1977

10:00 A.M. AGING AND YOUTH (to consider Senate Bill No. 589 and House Bill No. 1107)	Room 168
10:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1105)	Joint State Govt. Comm. Room 450
11:00 A.M. LABOR AND INDUSTRY (to consider Senate Bill No. 1174; House Bills No. 677, 711 and 959)	Senate Majority Caucus Room
11:30 A.M. EDUCATION (to consider Senate Bills No. 702, 779, 1111, 1144, 1172, 1177 and 1180)	Room 188

### ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 2, 1977, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:20 p.m., Eastern Standard Time.